

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES L. GRANT,

Plaintiff,

-against-

9:07-CV-0745 (LEK/DRH)

SGT. SMALDONE, Marcy Correctional
Facility; JAMES A. MANCE, Superintendent,
Marcy Correctional Facility; B. McAULIFFE,
Deputy Supt. of Security, Marcy
Correctional Facility; and NEW YORK
STATE DEPARTMENT OF CORRECTIONS,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on July 28, 2009, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 30). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by James L. Grant, which were filed on August 18, 2009. Objections (Dkt. No. 32).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

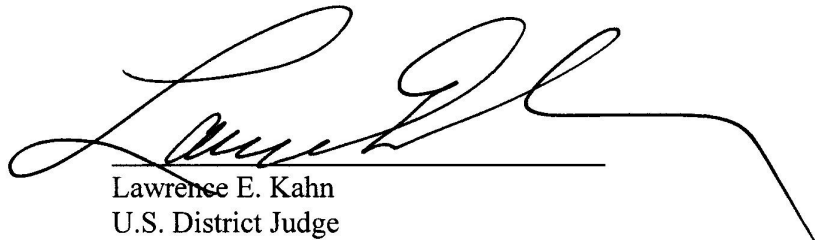
ORDERED, that the Report-Recommendation (Dkt. No. 30) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendants' Motion for summary judgment (Dkt. No. 25) is **GRANTED** in all respects and that judgment is entered in favor of all Defendants on all claims; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: August 31, 2009
Albany, New York



Lawrence E. Kahn
U.S. District Judge